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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,130	08/06/2003	Klaus B.W. Blume	60,130-1829 (00MRA373,382)	8416
26096	7590	07/27/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,130

Applicant(s)

BLUME ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) 22,23 and 30-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 is/are allowed.
- 6) ☒ Claim(s) 21,24-26,28,29,41 and 43-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/802,106.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group I in the reply filed on July 21, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 22, 23 and 30-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 21, 2004.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

Art Unit: 3634

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: each of the figures 2-6 on page 2 should be described separately.

Appropriate correction is required.

It should be noted that the substitute specification filed on January 7, 2005 has not been entered since the response of January 7, 2005 does not include a statement that no new matter has been entered in the substitute specification.

Claim Rejections - 35 USC § 112

Claim 43 and 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "one side of the vehicle door panel" on line 2 of claim 43 render the claims indefinite because it is unclear if the applicant is referring to the one side of the vehicle door panel set forth above or is attempting to set forth another side of the vehicle door panel in addition to the ones set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 24-26, 28, 29, 41, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (6,185,873). Saito discloses a window a window lifting mechanism attached to a vehicle door panel 5 having a first alignment member (not numbered, but comprising the outside surface of 5a) formed on the vehicle door panel on one side of the vehicle door panel and a second alignment member (not numbered, but comprising the inside surface of 5a) formed on the vehicle door panel on an opposite side of the vehicle door panel, a window regulator housing 8 is aligned relative to the door panel via the first alignment member, a power mechanism 7 is aligned relative to the door panel via the second alignment member and the window regulator housing and power mechanism are secured to the door panel, a single contiguous feature 5a on the vehicle door panel defines both the first and second alignment members, the single contiguous feature comprises a projection on one of the one side or the opposite side of the vehicle door panel, and comprises a recess on the other of the one side or the opposite side of the vehicle door panel wherein one of the first alignment member and second alignment member comprises the projection and the other of the first alignment member and second alignment member comprises the recess, a first corresponding alignment member (not numbered, but comprising the

Art Unit: 3634

flange through which the bolt 11a extends) on the window regulator housing to cooperate with one of the projection and recess and a second corresponding alignment member 14e on the power mechanism to cooperate with the other of the projection and recess, a fixing hole 5b in at least one of the first alignment member and the second alignment member for securing one of the window regulator housing and the power mechanism to the vehicle door panel in which the fixing hole is contiguous with the single contiguous feature.

Although Saito is silent concerning the particular method steps of assembling the mechanism, the assembly of the window lifting mechanism, as taught by Saito, would inherently lead to the claimed method steps as recited in claims 21, 24-26, 28, 29, 41, and 42.

Allowable Subject Matter

Claim 27 is allowed.

Response to Arguments

Applicant's arguments filed July 17, 2006 have been fully considered but they are not persuasive.

In response to the applicant's request for clarification, the examiner's interpretation of the teachings of Saito are as set forth in the above rejection. The apparent discrepancy between the rejection in the examiner's answer and the arguments in the examiner's answer was created by the new grounds of rejection in the

Art Unit: 3634

examiner's answer. Accordingly, the new grounds of rejection did not correspond to the appellant's arguments. Nonetheless, the examiner was still required to respond to the appellant's arguments to complete the record even though said arguments did not correspond to the new grounds of rejection.

With respect to the applicant's arguments regarding Saito, the examiner respectfully disagrees. The outer and inner surfaces of 5a is clearly used to align the window regulator housing 8 and power mechanism 7. Like aligning the sites on a rifle, the inner and outer surfaces of 5a provide an indicia used for properly positioning the housing 8 and power mechanism 7 with respect to the door panel 5. It should be noted that the term align does not require contact between elements that are aligned.

The applicant's arguments with respect to the grounds of rejection in the final office action of July 13, 2005 are moot in view of the new grounds of rejection.

With respect to the applicant's arguments concerning claims 43 and 45, the examiner respectfully disagrees. Clearly the outside surface of 5a as shown in figure 4 is only on one side of the door panel 5 and the inside surface of 5a as shown in figure 4 is only on the opposite side of the door panel 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

Art Unit: 3634

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
July 21, 2006